

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, DECEMBER 19, 2002
8:15 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Deb Schorr, District 3 Commissioner-Elect
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Staff Meeting was called to order at 8:18 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, DECEMBER 12, 2002

MOTION: Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of December 12, 2002. Campbell, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Appointment of Jennifer Gutierrez to the Lincoln Women's Commission
- B. Engine Brakes
- C. Agricultural Society Meeting Report

MOTION: Heier moved and Campbell seconded the additions to the agenda. Heier, Hudkins, Stevens, Campbell and Workman voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Appointment of Jennifer Gutierrez to the Lincoln-Lancaster Women's Commission

Eagan distributed documentation regarding the appointment of Jennifer Gutierrez to the Lincoln-Lancaster Women’s Commission (Exhibit A) and said it will go on a Tuesday’s agenda.

B. Engine Brakes

Heier indicated he wanted an update from the County Attorney with regard to Engine Brakes. Heier believed they were waiting for the County Engineer to figure out where to put the signs and what the fines will be.

The Board agreed to have Kerry Eagan contact the County Attorney’s Office and report back to the County Board in a few weeks regarding the status.

C. Agricultural Society Meeting Report

Stevens reported he attended the Ag Society’s meeting and there were 163 registered voters that signed up to vote during the election. He said Jim Countryman had an excellent financial presentation and there were some questions about the numbers, but the Ag Society has not been audited so the figures are subject to change. Stevens noted the County Fair made a slight profit of \$2,500 last year and the Event Center made \$3,000.

Stevens also noted Bob Valentine appeared at the meeting and complimented them for moving in the right direction and encouraged the Ag Society to move forward at a faster pace.

3 COMMISSIONERS MEETING REPORTS

a. **Region V Governing Board** - Heier

Heier reported Region V does not know of any by-laws that exclude a Commissioner from any Executive Committee meeting. The Board discussed having a permanent seat for Lancaster County on the Region V Governing Board Executive Committee. Heier also said the Board discussed the proposed motion for an interim leadership time period and voted to end it as soon as the Regional Program Administrator is selected. Heier indicated there was a member of the Region V Governing Board who accepted the nomination for the Chairman of the Board which will be released later.

b. **F³ Conveners** - Heier

Heier did not attend the meeting.

c. **Visitors Promotion Advisory Committee** - Workman

Workman reported the Visitors Promotion Advisory Committee is going to seek legislation to increase representation from the hotels.

Eagan said the CVB had projected \$363,750 by the end of November for Lodging Tax and actual receipts are \$434,024. He also said they received a proposal from Mark Lutz, Restaurant Association, to get the restaurants more involved in tourism.

d. **Floodplain Task Force** - Heier

Heier did not attend the meeting.

e. **LIBA Budget Monitoring Committee** - Hudkins, Stevens

Hudkins reported LIBA is interested in working with the budget this year and they want to get involved a lot earlier.

f. **Air Pollution Control Advisory Board** - Hudkins

Hudkins did not attend the meeting.

g. **CSIP** (Community Services Implementation Project) - Campbell

Campbell reported that CSIP held its last session with Kent Seacrest and they will not be meeting again.

4 CONTRACT WITH CHAMBER OF COMMERCE FOR CONVENTION & VISITORS BUREAU SERVICES - Wendy Birdsall, Chamber Senior Vice President; Sandi Witkowicz, CVB Director

Sandi Witkowicz, CVB Director, appeared and said Contract Item 5B should also state the County Board should have veto power in the hiring or firing of the Director of the Convention and Visitors Bureau.

Hudkins said he would like the President of the Chamber to not only consult with the Chairman of the County Board, but the whole County Board. He also said on page 12 where it states "No expenditure shall exceed the planned expense as set forth in the budget by more than 10 percent", there needs to be some notification to the County Board when and if the expenses go over the 10%. Hudkins would also like to see something done about the rent and square footage and what is being charged.

Stevens said he also had a concern regarding the 10% and wondered whether it was too much or not enough. He also indicated he would like to see a monthly activity and financial report from the VPC because he would like to see where the non-county money is coming from that supports the efforts of the CVB.

Wendy Birdsall, Chamber Senior Vice President, appeared and said it would not be a problem to get the Board a copy of the reported extra income.

Campbell agreed with Stevens about knowing where the raised funds are coming from, but she does not agree with allowing a business list to be distributed or released without the consent of the business. She said a lot of businesses do not like their names out there because they don't want to get calls from a lot of people wanting money. Campbell noted item 5b needs to be rewritten and should be looked at from a creative standpoint. She also agreed the County Board should have the authority to terminate someone.

Eagan asked about the Sports Commission and whether they should be included in the contract.

Stevens encouraged the new Director and the Chamber to look at how the Sports Commission can be integrated into the contract because Lincoln has the potential to be a big sports city.

The Board agreed to have Kerry Eagan and Dave Johnson meet with the Chamber representatives regarding the contract and meet with the Board in a few weeks.

Witkowicz passed around to the Board examples of some logos the Convention & Visitors Bureau is thinking about changing to. She noted she would like to see Lincoln as the main name that you see because Lincoln is what they are promoting.

Hudkins indicated he likes the logos, but would like to see Lancaster County somewhere in the logo.

5 BUILDING PERMITS FOR FARMSTEAD RESIDENCES - Chuck Zimmerman, Building & Safety Plan Review Manager; Mike DeKalb, Planning Department; Dave Johnson, Deputy County Attorney

Chuck Zimmerman, Building & Safety Plan Review Manager, appeared and indicated he had four issues he would like to discuss with the County Board:

- * Flag lots and zoning issues
- * Permits on replacements of appliances in old homes outside the 3-mile
- * Second residences on properties
- * State Statute as it applies to the City Ordinance and the 3-mile

Zimmerman said it was his understanding that Building & Safety was not going to enforce the frontage requirements on flag lots. He said another situation that has arisen is not a flag lot, but a trapped interior lot where the lot has no frontage and the only access is through an easement.

Dave Johnson, Deputy County Attorney, appeared and said some of the issues they are dealing with now have to do with zoning issues and if the County were to apply them based upon the resolution, some of the lots would be unbuildable. He wanted to make sure that wasn't the intent of the Board.

Mike DeKalb, Planning Department, appeared and said Building and Safety wants building permits on dwellings for purposes of addressing, public safety, etc., but on the zoning side they really only wanted the setback from a road right-of-way to apply. He said other than that, they didn't want the rest of it to apply like setbacks, average lot width, minimum width of frontage on the road for those parcels over 20 acres or landlocked. DeKalb said if they apply the zoning code strictly, they have to be on a public road or on a private road through a subdivision, none of which applies. He said the Board's intent was to leave them alone or leave them the way they were and there is a provision in the current County Code that could be amended to correctly reflect the intentions.

Zimmerman said the actual cutoff time was October 12, 2002 when the new resolution took effect.

Eagan said they would have to comply with setbacks as of that date.

DeKalb said interior landlocked 20-acre parcels today were created and had been buildable up until the resolution was passed. He asked if the Board wanted to continue the ability of people having to follow the practice of creating 20+ acre parcels without having to follow the zoning regulations and create buildable lots.

Eagan said unless there is something in place now that gives warning to the public and clear notice that as of October 12, 2002 you can't do it this way anymore, there may be some other lots created after that date where the rules are not clearly defined.

Campbell asked the County Attorney if the proposed changes should be put in resolution form with a public hearing on a Tuesday's agenda. She also said it should be written somewhere that if there were extenuating circumstances the Board of Zoning Appeals could be used.

Johnson indicated that would probably happen.

DeKalb suggested coming back to the Board in a few weeks after the Board has had some time to discuss the issue.

Zimmerman said there is nothing in County resolution or law that specifies that anyone living outside the 3-mile limit or who has more than 20 acres, should be getting permits for everything that gets replaced. He questioned whether or not inspections or permits should be done on lots with 20 acres or more that are not new construction.

Hudkins said he does not agree that the landowners with 20 acres or more should have to pay for permits and it was his understanding that Building & Safety did not have the manpower to do the permits for lots with 20 acres or more.

Eagan said a practical problem could be that once Building & Safety goes in to inspect a home that is 100 years old, they may find other things wrong that won't allow the owner to put in a new appliance because their other lines or outlets are not up to code.

Zimmerman said his office will continue to not require permits on replacements on lots with 20-acres or more, but he would definitely like to discuss it in the future.

Zimmerman also indicated there have been more cases where a person wants to put a second residence or a trailer on the property and they are being told to go through the Special Permit process.

Hudkins said the only way a person can put another residence on their property is by showing proof of medical reasons or a hardship and those are reviewed annually.

DeKalb reported the Board went to the State a couple of years in a row to get the Legislation changed to allow the County to apply building permits on dwellings over 20 acres. DeKalb said the City Attorney has determined that the City of Lincoln has to go to the State Legislature to get the same change in enabling Statutes that Lancaster County had just accomplished.

Zimmerman said the City Attorney is suggesting in the meantime to pass an ordinance that requires people to submit a notice of construction, but not necessarily require a building permit, for addressing purposes.

Eagan asked why it couldn't be done by an Interlocal Agreement because the powers have been spread further. He said either one entity has the power or they both have the power, or by Joint Public Agency where one entity has the power and it is exercised by both.

With regard to the 20-acre farmstead, Dave Johnson indicated the City is specifically restricted because State Statute says the City shall have zoning authority.

6 DEER TRAIL FINAL PLAT NO. 02027, S. 12TH STREET & MARTELL ROAD -
Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, distributed documentation regarding Deer Trail Final Plat No. 02027 (Exhibit B) and said it is regarding a cluster acre subdivision on Highway 77 between So. 12th Street and Martell Road, just outside the 3-mile. He said the Preliminary Plat has already been approved and this is the Final Plat that approves the saleable lots. All improvements are in place and the County Engineer signed off on the road and the culvert. For the Board's information only, DeKalb said the big outlot on the north part of the property has a plant nursery going in on it.

Stevens asked if the road was a private road and why there isn't a turnaround at the end.

DeKalb indicated the applicant does show on their Preliminary Plat a temporary turnaround for vehicles, but it is not on the copy he distributed.

Larry Worrell, County Surveyor, appeared and indicated there will be a revision to the Final Plat to show an easement turnaround because the cul-de-sac that was built is classified as a standard size cul-de-sac, which is larger than a temporary turnaround.

Norm Agena, County Assessor, indicated he would like his office to get notice if there is a new residence being built on a plat that is larger than 20 acres in Lancaster County. He likes the notice of construction idea, but would like to get some type of notification that there is activity going on in the county.

7 COMMUNITY EMERGENCY RESPONSE TEAM TRAINING (CERT) FOR THE STATE - Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, appeared and indicated there has been an awarded contract presented to him in the amount of \$44,641 to hire a person for one year to coordinate and administer the Community Emergency Response Training (CERT) program for the entire State of Nebraska, through Lancaster County. He said the remaining \$149,971 has been set aside to administer this program. Lancaster County would be able to take 10% to purchase training equipment and needs.

Dave Johnson indicated his only concern is taking on functions for the State and he wants the State to know that Lancaster County is doing them a favor.

Ahlberg said he will be meeting with the State at 1:00 p.m. on December 20, 2002.

Stevens asked about the employee's status at the end of that year.

Ahlberg said it may be an opportunity to look at the possibility of hiring the person full-time as a Deputy Director for Lancaster County. He said the money is only good for one year, but it has been money that has been provided to him for the last five years.

MOTION: Hudkins moved and Stevens seconded to authorize the Chair to sign the Sub-Recipient Award contingent upon review by Dave Johnson and any corrections concerning liability. Campbell, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

8 CORRECTIONS LEARNING NETWORK CONTRACT - Mike Thurber, Corrections Director; Dave Johnson, Deputy County Attorney

Mike Thurber, Corrections Director, appeared and distributed documentation regarding the Corrections Learning Network (Exhibits C & D). He indicated the Corrections Learning Network is a distance learning program that comes out of Spokane, Washington; they received a grant to build a satellite-based learning program for inmates sending classes and programs over satellite. Thurber said the service is free of charge and the dish is provided.

Kent Griffith, Jail Administrator, appeared and stated CLN will provide Corrections with all the materials, dish and decoder and is funded through the U.S. Department of Education. He said the County's only obligation is to install the system and to report back to them quarterly on how it is used. Griffith said there are GED and Life Skills type classes that are broadcast to the inmates. He noted the contract is complete except for the issue of liability exposure and venue. Griffith said if anything needed to be litigated, CLN wants it in Washington and Corrections wants it in Lancaster County.

Dave Johnson reported he spoke with CLN with regard to litigation and Thurber believes the possibility for litigation is slim to none but the Board would need to waive that issue. He said with the regard to the limitation on liability, CLN is going to send the system here and the County will install the satellite.

Workman asked if Corrections was providing any education for inmates now.

Thurber indicated they are not, but they do have GED programs through Southeast Community College.

The Board agreed the item would go on a Tuesday's agenda.

9 ASSESSOR/REGISTER OF DEEDS OFFICE REMODEL - Don Killeen, County Property Manager; John Kay, Sinclair Hille

John Kay, Sinclair Hille, appeared and distributed documentation regarding the Assessor/Register of Deeds Office Remodel (Exhibit's E & F). Kay indicated the Consolidation will be in 2 phases - phase 1 completed by February 21 and phase 2 by June 1. He outlined the following phases with regard to the office remodel:

Phase 1

1. Conference Room 104 - install lockable hardware & temporarily relocate County Clerk storage;
2. Demolition of current Clerk storage room;
3. Install new 16-foot counter, infill light box in ceiling, and patch carpet & ceiling;
4. Move Treasurer's counter and workstations east approximately 13 feet;
5. Move counter from Treasurer's space and install new systems wall;
6. Remove approximately 9'-8" of light box and construct two new offices along west wall.

Phase 2 (Preliminary Scope - meet in mid-January to finalize details)

- * Relocate County Clerk into existing deeds space, access via hallway;
- * GIS/Mapping high priority to relocate near front counter, improve public service, 7 workstations, plotter;
- * Real Estate - group workstations (residential and commercial), expand into vacated GIS/Mapping rooms;
- * Relocate Personal Property/Homestead Exemption;

- * Reconfiguration of current Clerk space for Deeds is not desired;
- * Reconfiguration/construction of remaining space must happen during April/May to avoid peak public traffic period;
- * Work must be completed by June.

Kay indicated he will meet with All-Makes Office Equipment to complete the systems furniture layout (identify list of parts for reuse and/or new order) on December 30th and will hopefully have a Purchase Order issued for the systems furniture by January 2nd because there is a 4-week ship time. Kay said the relocation and demolition of the County Clerk storage, minor general construction including 2 new Treasurer offices and the systems furniture installation will be done from January 6 to February 21, 2002.

Kay noted All Makes gave an estimated cost of the systems furniture to be between \$20,000 to \$25,000 and the Contractors estimate for demolition and general construction is \$18,956.

Workman asked if the money would come out of the Public Building Commission.

Dave Kroeker, Budget & Fiscal Officer, asked if the total \$162,000 estimated for Phase I and II was going to be spent before June 1, 2002. He believed they were going to use the revenue from the sale of the M Street property to pay for Phase I.

Killeen did not believe the whole project would cost \$162,000 and he said in the past the departments have usually paid for their own systems furniture.

MOTION: Hudkins moved and Campbell seconded to order the systems furniture and pay up to \$44,000 for Phase I, using County funds from the M Street sale. Hudkins, Workman, Heier and Campbell voted aye. Stevens voted no. Motion carried.

10 JURY COMMISSIONER - Dave Shively, Election Commissioner

Dave Shively, Election Commissioner, appeared and distributed documentation regarding State Statute §25-1625 (Exhibit G) and reported he would like to see the Clerk of the District Court take over the Jury Commissioner's responsibilities like they did four years ago. Shively indicated a Legislation change would have to be made and he has spoken with Sue Kirkland, Clerk of the District Court - Elect, about putting the Jury Commissioner back with the Clerk of the District Court. He said since the Election Office has moved to their new address, it has created some challenges for him and sometimes they are pushing it to get the info to the Hall of Justice in a timely manner. He believes it should be a function of the Court and not the Election Commissioner.

Hudkins agreed with Shively and noted that because the Clerk of the District Court is no longer handling child support, they should have the manpower to handle the extra function. Also with the Election Commissioner off-campus, he understands how it would be more difficult to work with the Courts. Shively said the person that is currently handling the Jury Commissioner work is a Court Clerk.

Campbell noted the Board definitely wants to do this because the State will likely be taking over the Clerk of the District Court.

MOTION: Campbell moved and Hudkins seconded to proceed with Legislation to move the Jury Commissioner out of the Election Commissioner Office and return it to the Clerk of the District Court. Campbell, Workman, Heier, Hudkins and Stevens voted aye. Motion carried.

11 ACTION ITEMS

- a. Ballot for Reorganization Plan, In Re E & J, Inc., d.b.a. Beacon Lounge, Case No. BK-02-41232

Doug Cyr, Deputy County Attorney, appeared and reported he received a plan of reorganization for the Beacon Lounge and a ballot to accept or reject the plan by December 30, 2002.

MOTION: Hudkins moved and Stevens seconded to accept the Deputy County Attorney's recommendations to reject the plan. Heier, Hudkins, Stevens, Campbell and Workman voted aye. Motion carried.

MOTION: Heier moved and Campbell seconded to give the Deputy County Attorney authority to file the objection. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

- b. Resolution Setting the Bonds of Elected Officials, the Surveyor and Deputy Election Commissioner of Lancaster County (R-02-0152)

MOTION: Hudkins moved and Stevens seconded to approve Resolution 02-0152 Setting the Bonds of Elected Officials, the Surveyor and Deputy Election Commissioner of Lancaster County. Campbell, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

- c. Authorize Bob Workman to Sign Contract with MMC, LLC for Construction of Project BR-3300(2), a Bridge Located at 26th & Saltillo Road County Construction #066, in the amount of \$563,983.95 (County portion is 15%)

MOTION: Hudkins moved and Stevens seconded to authorize the Chair to sign a contract with MMC, LLC for construction of Project BR-3300(2), a bridge located at 26th & Saltillo Road, County Construction #066, in the amount of \$563,983.95, the County's portion is 15%. Heier, Stevens, Hudkins, Campbell and Workman voted aye. Motion carried.

13 ADMINISTRATIVE OFFICER REPORT

- a. Chief Deputy Salaries

Eagan reported the Chief Deputy Salaries have been submitted and will be effective the December 26, 2002 pay period.

Hudkins questioned the Chief Deputy Assessor's salaries, their increase and if it could be broken down over a couple of years.

Agena noted both of his deputies are very talented and well worth the increase and were hired at reasonable salaries in anticipation that they would be getting paid more after January 1st for their efforts.

Campbell noted Statute allows for the County Assessor to have two deputies and they both could be paid 95% of the County Assessor's salary. She said because of the merger they are now going from 5 positions to 3 positions.

Workman asked Georgia Glass, Personnel Director, how it compares to what the City is doing.

Glass said she couldn't compare because the City Manager's are not Elected Officials, but with the "M" class employees, the Mayor froze the merit increases and they only received a 2% increase.

Campbell also noted Statute requires the County Board to set the salaries of the Elected Officials and requires the Elected Official to make a recommendation. She said in the past the Board has accepted the Elected Official's recommendation.

The Board agreed the item would go on a Tuesday's agenda.

b. Weapons of Mass Destruction Training (January 22-24, 2003)

Eagan reported Ahlberg wants Eagan to attend the Weapons of Mass Destruction Training in Lincoln and he has already taken the preliminary internet course to qualify for the training.

MOTION: Heier moved and Stevens seconded to allow Kerry Eagan to attend the Weapons of Mass Destruction Training. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

c. County Property at 13th & M Streets

MOTION: Hudkins moved and Heier seconded to initiate the process and sell the 13th & M Street Property. Heier, Stevens, Hudkins, Campbell and Workman voted aye. Motion carried.

d. Juvenile Detention Phone System

Eagan indicated the Juvenile Detention Center's maintenance agreement for the Phone System has expired and the County does not plan on renewing it.

- e. Use of Encumbered Funding by Assessor for Compaq Tablets Instead of Palm Pilots (C#2002-411)

Eagan indicated \$30,000 was encumbered two years ago and the funds need to be spent.

Agena reported his office would like to purchase some Compaq Tablets for his office instead of using Palm Pilots. He said a Compaq Tablet costs around \$1,700 per unit and the unit can also be used as a personal computer or a laptop.

MOTION: Hudkins moved and Campbell seconded to allow the County Assessor to switch from Palm Pilots to Compaq Tablets and spend up to the encumbered amount of \$30,000. Campbell, Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

Agena also indicated several years ago the Board approved a position for the County Assessor to hire someone to do the modeling and statistical work. When they started interviewing candidates, the salary range that the County was willing to pay was around \$70,000 and that position has never been filled. Agena said Rob Ogden has those talents.

- f. Web Site Reference to On-line Survey for Lincoln Partnership for Economic Development

Eagan reported there is an on-line survey on the home page of Interlinc that is being conducted for the Lincoln Partnership for Economic Development and he just wanted the Board to be aware of it.

6 ADJOURNMENT

MOTION: Stevens moved and Campbell seconded to adjourn the meeting at 11:46 a.m. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk